

**STATEMENT OF PROCEEDINGS
FOR THE SPECIAL MEETING
OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD IN ROOM 648 OF THE KENNETH HAHN HALL OF ADMINISTRATION,
500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012
ON
THURSDAY, SEPTEMBER 2, 2010, AT 10:00 AM**

Present: John Naimo, Steven NyBlom and John Krattli

The following items were presented to the Claims Board for consideration and the Claims Board took actions as indicated in bold.

1. Call to Order.
2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code section 54956.9).

- a. Claim of Alexis R.

This claim concerns allegations of sexual assault by an employee of the Probation Department; settlement is recommended in the amount of \$199,000.

Action Taken:

The Claims Board continued this matter.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- b. Sean Kojoori, Sr., et al. v. County of Los Angeles
United States District Court Case No. CV -06-06954 SJO

This lawsuit concerns allegations that the Department of Children and Family Services detained two minor children without legal cause; settlement is recommended in the amount of \$50,000.

Action Taken:

The Claims Board continued this matter.

Absent: None

Vote: Unanimously carried

See Supporting Documents

4. Report of actions taken in Closed Session.

The Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Item No. 3 above.

5. Approval of the minutes of the August 16, 2010, regular meeting of the Claims Board.

Action Taken:

The minutes for the meeting of August 16, 2010, regular meeting of the Claims Board were approved.

Absent: None

Vote: Unanimously carried

See Supporting Document

6. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Alexis R. v. County of Los Angeles, et.al.
CASE NUMBER	N/A
COURT	N/A
DATE FILED	Claim filed February 2, 2010.
COUNTY DEPARTMENT	Probation Department
PROPOSED SETTLEMENT AMOUNT	\$ 199,000
ATTORNEY FOR PLAINTIFF	Matthew McNicholas and Judy Perez
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon
NATURE OF CASE	<p>Plaintiff alleges that he was sexually assaulted by a Probation Department employee.</p> <p>Due to the risks and uncertainties of litigation, and in light of the fact that a prevailing plaintiff in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees, a full and final settlement of the case in the amount of \$199,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 6,636.81
PAID COSTS, TO DATE	\$ 2,827.50

Case Name: RAMOS V. COLA



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	August 2009
Briefly provide a description of the incident/event:	Plaintiff was a 17 year old Hispanic Male that was approximately 5'11" 160 lbs., when he was detained in June 2009 on an outstanding bench warrant related to him being Absent Without Leave (AWOL) from a court ordered placement. In June 2009, the court issued an order that the plaintiff be placed in a 3 month camp community placement program and he was placed at Camp Judith Resnik. The plaintiff failed to follow Camp Resnik rules and he was eventually suspended from school. In July 2009, the plaintiff was transferred to Camp Karl Holton. Plaintiff alleges that he was sexually abused at Camp Holton beginning on August 9, 2009 at approximately 6:00p.m., by an African-American Female Probation Officer that allegedly made him touch her while in an office. Plaintiff further alleges that the acts continued for a couple of days and also included him going to the Probation Officers room. On August 13, 2009, the plaintiff's mother phoned the facility and advised staff of the alleged abuse, which led to the submission of a Suspected Child Abuse Report (SCAR) and an investigation. In February 2010, plaintiff filed a Government Tort Claim alleging negligence.

1. Briefly describe the root cause(s) of the claim/lawsuit:

Root Cause Analysis:

The initial incident stems from plaintiff's camp placement at a facility wherein staff allegedly violated Department policies. A root cause factor analysis was conducted including, but not limited to:

- Exposure area relates to plaintiff being sexually assaulted.
- Compounding factors include:
 - Several employee witnesses reference seeing problematic situations that were not adequately addressed prior to the incident.
 - Staff delays in communicating information to higher level managers.
 - Staff limited compliance with mandated reporter obligations.
 - Staff substandard completion of the preliminary incident report.
 - The background investigation file for the subject of the investigation (SOI) did

not consist of a direct response from a previous employer wherein the SOI was terminated in connection with behavior exhibited in the workplace.

Based upon the outcome of the above-referenced root cause analysis the Department has determined root cause factors include:

- A Female Probation Officers' violation of Employee Conduct Policy as well as other policies.
- Facility Staff limited application of duties related to:
 - Maintaining group and individual behavior standards associated with their knowledge of minors missing from their living unit as they were with the subject of the investigation (SOI) behind closed doors.
 - Managing the group living process associated with proper supervision of minors that were with the SOI.
 - Contacting the appropriate staff to address problematic situations associated with suspicious incidents involving minors being with the SOI.
 - Mandated reporter obligations.
 - Observance of Work Hours and Authorization for Deviation from the established work schedule.
- Facility Staff delay in completing the Preliminary Incident Report and providing notice to the Bureau Chief.
- Minimal application of Background Investigation Process associated with Peace Officer Positions.

This matter is being settled to mitigate associated legal costs and to avoid a potentially adverse verdict associated with the root cause factors.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

Recommended Root Cause Corrective Action:

Task #1 Name: Residential Treatment Services Bureau (RTSB) Policy Reinforcement

System Issue: Process/Procedure/Personnel

Responsible Person: Alberto Ramirez

Task Description:

- a. The Department RTSB will reinforce its policy in the RTSB Manual related to, but not limited to:
 - i. Staff duties and supervision, which include but is not limited to:
 - 1. Being observant and alert
 - 2. Exercising sound judgment
 - 3. Maintaining constant observation of wards

4. Conducting scheduled and impromptu population counts in all locations.
 5. The Acting Director shall be notified of population count discrepancies.
- ii. Observance of Work Hours, which include but is not limited to:
1. The Camp Director sets the work schedule and may authorize deviations from the established work schedule.
 2. Employees must adhere to their assigned work schedule.
 3. Employees are expected to arrive and depart from the workplace as scheduled.

This task will be completed by the end of August 2010.

Task #2 Name: Preliminary Incident Notification Policy Reinforcement

System Issue: Process/Procedure/Personnel

Responsible Person: Alberto Ramirez

Task Description:

1. The Department RTSB will **reinforce** Department Policy in Directive #1027 associated with procedures for Preliminary Incident Notifications. This policy includes, but is not limited to:
 - a. Requires the SDPO/SDSO or designee report incidents to the Facility Director **and** the Bureau Chief, Regional Directors, Camps Consultant or Special Assistant **within 4 hours of the incident.**
 - b. Requires staff notify individuals/entities that include, but is not limited to the following along with listing the date and time of notification:
 - i. Facility Director
 - ii. Bureau Chief, Camps Consultant or Special Assistant
 - iii. Local Police
 - iv. Submission of a Suspected Child Abuse Report (SCAR)
 - c. Summary of the incident that includes, but is not limited to:
 1. Who, what, when, where, why, how, etc.
 - ii. Must provide details.

This task will be completed by the end of August 2010.

Task #3 Name: Suspected Child Abuse Report-Mandated Reporter Obligations Policy Enhancement & Distribution

System Issue: Process/Procedure/Personnel

Responsible Person: Alberto Ramirez

Task Description:

1. The Department RTSB will enhance its **Suspected Child Abuse Report-Mandated Reporter Obligations Policy** via the development and distribution of Department Policy in Directive #1187. This policy includes, but is not limited to:
 - a. Listing Reporting Requirements
 - b. Description of Reasonable Suspicion
 - c. Types of Reportable Abuse and Neglect
 - d. Mandated reporters **are required to file their own SCAR.**
 - e. Details that if Probation, the Department of Mental Health, Juvenile Court Health Services or the Los Angeles County Office of Education file a SCAR that they shall immediately report such to the Facility Duty Supervisor.

This task was completed by the end of February 2010.

Task #4 Name: **RTSB Appropriate Non-Disciplinary and/or Disciplinary Action for Staff**

System Issue: Process/Procedure/Personnel

Responsible Person: Alberto Ramirez

Task Description:

1. **Appropriate Non-Disciplinary (Worker/Supervisor Conference) &/or Disciplinary Action for Staff Members.**
 - a. The Department will take appropriate non-disciplinary and or disciplinary action against employees with clear documented policy violations associated with this matter. Action taken will be consistent with current Performance Management/Discipline Guidelines, which include, but is not limited to:
 1. Non-Disciplinary Action (deemed appropriate in some cases to inform the employee of a performance problem that may result in discipline if it continues)
 - a. Worker/Supervisor Conference
 - b. Instructional Memo
 2. Disciplinary Action
 - a. Letter of Warning
 - b. Reprimand
 - c. Suspension

d. Discharge

This task will be completed by the end of October 2011.

Task #5 Name: Background Investigation Procedure Reinforcement & Enhancement

System Issue: Process/Procedure/Personnel

Responsible Person: Charlene Durham

Task Description:

1. The Department will reinforce and enhance its background investigation procedures associated with sensitive positions deemed peace officer positions to ensure staff thoroughly make use of and apply Government Code Sections 1031 and 1031.1 as a part of the clearance process. Reinforcement and enhancement will consist of the following at a minimum:
 - a. When an applicant lists that he/she has filed an application for an examination with another law enforcement or criminal justice agency the following shall be done:
 - i. Send a written request (Letter of Inquiry Concerning Past/Current Employment) to the entity with a notarized authorization for employment information pursuant to Government Code Section 1031 and 1031.1.
 - ii. Make sure the Background Unit file consists of the outcome of the request for employment information.
 1. If a current or former employer refuses to provide employment information remind them of the Government Code 1031.1 requirement that they disclose information.
 - b. When an applicant lists that he/she has been discharged or asked to resign from any employment the following shall be done in addition to normal protocol:
 - i. Send a written request (Letter of Inquiry Concerning Past/Current Employment) to the entity with a notarized authorization for employment information pursuant to Government Code Section 1031 and 1031.1.
 - ii. Make sure the Background Unit file consists of the outcome of the request for employment information.
 1. If a current or former employer refuses to provide employment information remind them of the Government Code 1031.1 requirement that they disclose information.
 - c. Modify our current "Letter of Inquiry Concerning

Past/Current Employment to include the following statement in the first paragraph:

- i. Under California Law, Government Code Section 1031, Government Code Section 1031.1 and Code of Regulations Section 1002, we are required to conduct a thorough background investigation. It should be noted that Government Code Section 1031.1 further requires a past or present employer to disclose employment information relating to their current or former employees, upon request of a law enforcement agency.
- d. **Modify our current "Notarization Form" to include reference to Government Code Section 1031.1** in the first paragraph.
- e. The Department will ensure that **Background Unit existing and new hire staff completes a Background Investigation training course and that each staff member signs an acknowledgement of review and receipt of the current version of the POST Background Investigation Manual-Guidelines for the Investigator available online via the State of California Commission on Peace Officer Standards & Training website at <http://www.post.ca.gov/selection/bim/bi-manual.asp>.**

This task will be completed by the end of October 2010 and is on-going based on operations.

Task #6 Name: Child Abuse Mandated Reporter Acknowledgement Form Modification

System Issue: Process/Procedure/Personnel

Responsible Person: Marilyn Hawkins

Task Description:

1. **The Department modified its existing Child Abuse Reporting Acknowledgement Form (old version from 1997) to provide staff with a clearer understanding of the statutory requirements referenced in California Penal Code Sections 11164-11174.3. County Counsel approved the new version that is currently in use by Probation Human Resources Management Office (HRMO) Staff. The form is reviewed and signed by Department staff members during HRMO processing of new hires, transfers, etc. The modified form includes, but is not limited to the following modifications:**
 - a. Explanation that "As an employee of the Los Angeles County Probation Department", YOU are a "Mandated Reporter".

<p>b. Description of when reporting abuse is required.</p> <p>c. Description of abuse that must be reported.</p> <ul style="list-style-type: none"> a. Physical Abuse b. Sexual Abuse c. Neglect d. Willful harming or injury or the endangering of a child e. Unlawful corporal punishment or injury <p>d. Explanation of where to call and send the written abuse report.</p> <p>e. Information on immunity and confidentiality of reporter and of abuse reports.</p> <p>f. Penalty for failure to report abuse.</p> <p>This task was completed by the end of July 2007 and is on-going based on operations.</p>
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3. State if the corrective actions are applicable to only your department or other County departments: (if unsure, please contact the Chief Executive Office Risk Management for assistance)

- Potentially has County-wide implications.
- Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

Name: (Risk Management Coordinator)	
Signature:	Date:

Name: (Department Head)	
<i>Donald H. Blawie</i>	
Signature:	Date:
<i>Donald H. Blawie</i>	<i>7/20/11</i>

Chief Executive Office Risk Management

Name:	
<i>Roberto Chavez</i>	
Signature:	Date:
<i>Roberto Chavez</i>	<i>07-20-10</i>

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Sean Kojoori, Sr. et al. v. County of Los Angeles, et al.
CASE NUMBER		CV 06-06954 SJO
COURT		United States District Court
DATE FILED		10/31/2006
COUNTY DEPARTMENT		Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	\$	50,000
ATTORNEY FOR PLAINTIFF		Mark McBride Law Office of Mark McBride
COUNTY COUNSEL ATTORNEY		Lauren M. Black Principal Deputy County Counsel Social Services Division
NATURE OF CASE		Plaintiff alleges DCFS unlawfully detained his children.
PAID ATTORNEY FEES, TO DATE	\$	65,337
PAID COSTS, TO DATE	\$	9,275



Summary Corrective Action Plan Department of Children and Family Services



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	October 14, 2005
Briefly provide a description of the incident/event:	Plaintiff's children were detained from their father after it was determined that their mother was living within close proximity to the children. Their mother previously lost custody of the older child after she severely abused the child. Such abuse included infliction of multiple subdural hematomas when the child was a few months of age. The Juvenile Court determined that the child should be permanently removed from his mother. Parental rights were not terminated for either parent. The father claimed that the mother had left California and that he did not know where she was residing. The children were detained when it was discovered that the mother was actually living in a back apartment on the father's property. The social worker detained both children due to the severity of the abuse to the eldest child and the subsequent permanent removal from mother's custody.

1. Briefly describe the root cause of the claim/lawsuit:

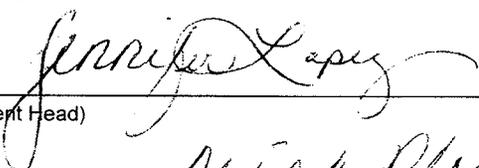
Plaintiff alleges that his constitutional rights were violated when his children were detained.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

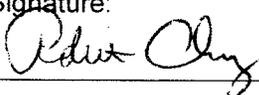
The Department has enhanced its policy and procedures pertinent to child abuse investigation to support best social work practice, while satisfying constitutional requirements.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has County-wide implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator)	Date:
Jennifer Lopez 	8-2-10
Signature: (Department Head)	Date:
Patricia S. Ploehn, LCSW 	8-2-10

Chief Executive Office Risk Management Branch

Name:	
Robert Chavez	
Signature:	Date:
	07-26-10

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

August 16, 2010

1. Call to Order.

This regular meeting of the County of Los Angeles Claims Board was called to order at 9:33 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: John Naimo, Steven NyBlom, and John Krattli.

Other persons in attendance at the meeting were: Office of the County Counsel: Christopher Keosian; Jerry Custis; and Casey Youn; Sheriff's Department: Patrick Hunter; Department of Public Works: Michael Hays; Department of Health Services: Evelyn Szeto and Kim McKenzie; Outside Counsel: Scott Patterson.

2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

At 9:38 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(c) below.

4. Report of actions taken in Closed Session.

At 10:47 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Katherine Voyer v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 349 347

This lawsuit concerns allegations that a Sheriff's Department employee was the subject of discrimination, and violation of the Public Safety Officers Procedural Bills of Rights.

Action Taken:

The Claims Board recommended settlement of this matter to the Board of Supervisors in the amount of \$790,000.

The vote of the Claims Board was unanimous with all members being present.

- b. Aide Zuniga v. County of Los Angeles
Los Angeles Superior Court Case No. TC 023 274

This lawsuit arises from injuries received from a slip and fall on a sidewalk near Harbor-UCLA Medical Center in Carson.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$55,000.

The vote of the Claims Board was unanimous with all members being present.

- c. County of Los Angeles v. U.S.A. Waste of California, et al.
Los Angeles Superior Court Case No. BC 345 002

This matter concerns the remediation of environmental Contamination at the former Cal Compact landfill.

Action Taken:

The Claims Board recommended the partial settlement of this matter to the Board of Supervisors whereby the County will receive payment of \$185,000.

The vote of the Claims Board was unanimous with all members being present.

5. Approval of the minutes for the August 2, 2010, meeting of the Claims Board.

Action Taken:

The minutes of the August 2, 2010, meeting of the Claims Board were approved.

The vote of the Claims Board was unanimous with all members being present.

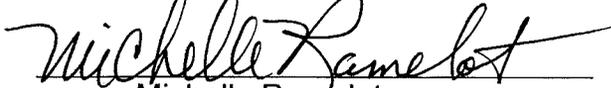
6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.

No such matters were discussed.

7. Adjournment.

The meeting was adjourned at 10:50 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By 
Michelle Ramelot